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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JOHN GARRETT SMITH,

7 Plaintiff,

8 v.

9 DANIEL LLOYD, et al,

10 Defendants.

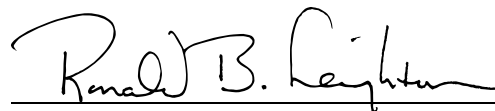
Case No. 3:18-cv-05224-RBL-TLF

ORDER DISMISSING PLAINTIFF'S
COMPLAINT

11 The Court, having reviewed the Report and Recommendation of Judge Theresa L. Fricke,
12 United States Magistrate Judge, objections to the report and recommendation, if any, and the
13 remaining record, does hereby find and ORDER:

- 14 (1) the Court adopts the Report and Recommendation;
15 (2) plaintiff's application to proceed in forma pauperis (Dkt. 4) is DENIED;
16 (3) plaintiff's complaint (Dkt. 1-1) is DISMISSED as frivolous and/or malicious
17 (4) this dismissal counts as a "strike" under 28 U.S.C. § 1915; and
18 (5) the Clerk is directed to send copies of this Order to petitioner, to Magistrate Judge
19 Theresa L. Fricke and to any other party that has appeared in this action.

20 Dated this 6th day of August, 2018.

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23 Ronald B. Leighton
United States District Judge
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